

The liability of the employee for damage in theory and practice

The purpose of this thesis is to analyse the national legislative framework and highlight the differences between theory and practical application of the employee's liability for damage caused to the employer. The reason for my research is based on the fact that the importance of this issue is increasing driven by the fact that more people are employed with the multinational corporations.

And there is an obvious trend to broadly interpreted, unilaterally extend and refine duties of the employees to such an extent that it is appropriate to raise a question, whether these approach is still in accordance with the law. Especially due to the fact, that such duties are often bound by sanctions in the form of claiming damages or even termination of the employment by notice. While the Labour Code in its general provisions clearly states that the adjustment of the employee's duties may only be stipulated as a result of bilateral legal negotiations.

The thesis is composed of nine chapters, some of which are further internally divided into sub-chapters.

Chapter One is introductory and contains my considerations of the importance of Labour Law, examine its historical development in recent decades and its current status within the national legislative framework.

Chapter Two introduces the characteristics and specifics of the Labour Law as a part of private relationships and its relation to the Civil Law. Chapter Three deals with legal rules as a fundamental element of the legal order. Following chapters focuses on the liability firstly in general and subsequently in comparison to special provisions related to the area of Labour Law.

The very essence of this paper is discussed in Chapter Six in which the liability for damage, its merits and different kinds are investigated. In next Chapter question of the sources of legal obligations is examined since in practice it is difficult to determine which of them are truly relevant with regard to employees.

Chapter Eight illustrates the approach to decision – making by trial courts while the scope and course of employment is often a contested issue in these cases.

Conclusions and recommendations for changes to be made in legislation with regard to the greater flexibility and liberalization of the Labour market are drawn in Chapter Nine together with critical evaluation of relevant parts of the Labour Code and approach of some employers in claiming damage.